

RIVERS MANAGEMENT ADVISORY COMMITTEE
Meeting Minutes
August 13, 2004
NHDES, Concord, NH
Rooms 112/113

Members Present:

Bob Beaurivage, Public Water Suppliers
Ben Frost, Office of State Energy and Planning
Deborah Hinman, Conservation Commissions
Bill Ingham, Fish & Game Department
Ken Kimball, RMAC Chair, Recreational Interests
Allan Palmer, Business and Industry Association
Jamie Robertson, Agricultural Interests
Wesley Stinson, Historical & Archaeological Interests
Michele Tremblay, RMAC Vice Chair, Conservation Interests

Members Absent:

Ben Haubrich, Dept of Resources and Economic Development
James Jones, NH Fish & Game Commission
George Lagassa, Granite State Hydropower
Gail McWilliam, Department of Agriculture
Ted Sutton, Municipal Government

Others Present:

Richard Cooney, NH State Rep and NH House RRD Committee
Judith Spang, Lamprey River Advisory Committee
Ned Beecher, New England Biosolids & Residuals Association (NEBRA)
Mark Wamser, Gomez and Sullivan, Inc.
Brian Mrazik, US Geological Survey
William Heinz, Granite State Hydropower Association
Michael Giaimo, Business and Industry Association

DES Staff Present: Steve Couture, Rivers Coordinator, Watershed Mgmt. Bureau
Paul Currier, Administrator, Watershed Mgmt. Bureau
Marie LosKamp, Executive Secretary, Watershed Mgmt. Bureau

I. Introductions

- ***RMAC Chair, Ken Kimball, opened the meeting at 9:30 a.m. and introductions were made.***

II. Acceptance of April 23, 2004 Minutes

- ***Michele Tremblay noted that under Section III SB87 on line 6, it should read "put together by Michele Tremblay and New England Biosolids and Residuals Association". A motion was made by Michele Tremblay and seconded by Deborah Hinman to accept the minutes of April 23, 2004. The minutes were unanimously accepted as amended.***

III. Update on Souhegan ISF Study Process – Ken Kimball, RMAC/Paul Currier, NHDES

Paul Currier provided an update on the contractor schedule noted we are ahead of schedule. Contractor is hoping to get another couple of events on river at cross sections depending on river flows in August and September. The contractor has done one at middle range flow and needs one at lower and one at higher range flows.

Ken Kimball commented that this is a very aggressive schedule that the contractor and DES have set. Paul Currier stated that the Lamprey application to NOAA has been filed, no glitches are expected, NOAA expects grant manager to participate actively on Lamprey, and grant will be here in a couple of months. Therefore, the RFQ has been issued and all qualification packages are due by Sept. 15th.

IV. Lamprey River Instream Flow Committees – Steve Couture, NHDES

a. Technical Review Committee Nominations (vote required)

Ken Kimball commented that the RMAC needs to make recommendations for nominations for the TRC to the Commissioner of DES and the Commissioner makes the appointments.

- ***Allan Palmer made a motion to approve F&G, USEPA, USFWS, USGS, conservation interests, and ex-officio representative nominations as set forth in the nomination form and to set aside the business interests. Jamie Robertson seconded the motion and unanimously approved. All recommended for nomination except for Business interests. Steve Couture will scan in business interest nomination forms and qualifications as pdf documents and send out by Tuesday with deadline for RMAC vote by the end of next week. The RMAC will need an email quorum. Committee will have to review qualifications of 4 candidates and have to vote for 3. Steve Couture will leave one open for a municipal water supplier.***

b. Water Management Planning Area Advisory Committee nominations (vote required)

Ken Kimball - Appointments are recommended by the RMAC and appointed by the Governor. The RMAC needs to make motions and take votes category by category.

1. Local River Management Advisory Committee representatives – Two nominees for two slots
 - ***Motion was made by Michele Tremblay to nominate Jamie Fosburgh and Brian Giles as local representatives, nomination seconded, and unanimously approved.***
2. State Senators in a town or city - Two nominees for one slot
 - ***Motion was made by Deborah Hinman to nominate Iris Estabrook as the State representative in a town or city in the WMPA, seconded by Michele Tremblay, and unanimously approved.***
3. State Representative in a town or city – Two nominees for one slot
 - ***Motion made, and seconded to nominate Frank Bishop as State Representative since Judith Spang was also nominated under recreational use, and unanimously approved.***
4. Representative of a Lake Associations – One nominee for one slot
 - ***Motion made by Jamie Robertson to nominate Theresa Thompson, seconded by Deborah Hinman, and unanimously approved.***
5. Public Water Suppliers – Two nominees for one slot
 - ***Steve Couture recommended moving Victoria Del Greco to the Affected Business Water Users. RMAC Concurred. Motion made by Jamie Robertson to nominate Wesley East, seconded by Michele Tremblay, and unanimously approved.***
6. Agricultural water users – One nominee for one slot

- ***Michele Tremblay made a motion to nominate Glen Caron, seconded by Allan Palmer, and unanimously approved.***

7. Affected business water users.

- ***Allan Palmer made a motion to accept four positions as outlined on by Steve Couture. The four positions included Victoria Del Greco upon her acceptance of being nominated in this category, as she was nominated as a Public Water Supplier, representatives for Scenic Nursery and Fernald Lumber, and a representative for the Epping Waste Water and Water Treatment Facilities. Bob Beaurivage seconded the motion and the vote was unanimous in favor. Jamie will contact Rob Johnson and Eric Sautel at the NH Farm Bureau to solicit a nomination to represent Scenic Nursery. Paul Currier will contact Jasen Stock of the NH Timberland Owners Association to solicit a nomination to represent Fernald Lumber. Ben Frost will contact the Town of Epping to solicit a nomination for representation of their business interests.***

8. Conservation Commission member from a town or city – Two nominees for one slot

- ***Allan Palmer made a motion to nominate Kevin Webb, Bob Beaurivage seconded, and vote was unanimous in favor.***

9. Government representative from town or city – Four nominees for three slots

- ***Jamie Robertson made a motion to take off Kevin Webb and vote for other three on list who are Mike Lynch, Thomal Fargo and Richard Wellington. Allan Palmer seconded the motion, and unanimously approved.***

10. Recreational use representative- Two nominees for one slot

- ***Deborah Hinman made a motion to select Judith Spang as state representative for recreation, Jamie Robertson seconded the motion, and unanimously approved.***

11. Community citizen representative – One nominee for one slot

- ***Michele Tremblay nominated James Duprie, Deborah Hinman seconded the motion, and unanimously approved.***

12. Representative of conservation interests – One nominee for one slot

- ***Deborah Hinman made a motion to nominate Jay Odell, Michele seconded the motion, and unanimously approved.***

13. Representative of business in a town or city in the WMPA – One nominee for one slot

- ***Jamie Robertson made a motion to nominate Frank Rheinhold, seconded by Deborah Hinman, and unanimously approved.***

14. State representative in town or city in the WMPA – Two nominees for one slot

- ***Allan Palmer made motion to nominate Frank Bishop, Bob Beaurivage seconded the motion, and unanimously approved.***

15. Affected dam owner – Three nominees for one slot

- ***Michele made a motion to nominate Robert Levesque, Jamie Robertson seconded, and unanimously approved.***

16. Agricultural water users – One nominee for one slot

- ***Motion made and seconded and Glen Caron was unanimously approved.***

V. Proposed Surplus Property Disposition – Steve Couture, NHDES

a. Upper Merrimack River, Boscawen, Northern Railroad Corridor (vote required)

- ***Michele Tremblay made motion to accept the transfer of property and moving that the RMAC recommend disposal with no conditions, Jamie Robertson seconded, and vote was unanimous.***

b. Little River, Exeter & Brentwood, Pine Road (vote required)

- ***Deborah Hinman made a motion to table until next meeting and postpone decision until we get more information from Fish and Game and CORD on configuration of the road and further research, motion seconded by Michele and all in favor of postponement until we have all the information we require. The RMAC response has to be before Sept 2nd meeting, and Steve Couture will send the RMAC's extension request via e-mail to CORD.***

VI. State Budget Reductions – Paul Currier, NHDES

a. Impact on river gage program

Decreased revenue – Under Cooperative Agreement with USGS, 50% of funding is provided by DES. DES revenue for this cooperative agreement has gone down as DES can no longer collect fees from hydropower facilities not pertinent to the DES Dam Bureau's essential interests. This reduction of DES funding to the cooperative agreement will eliminate 8 gages and force US Geological Survey to eliminate more.

b. Possible short and long term solutions

One idea is address this problem is to establish a volunteer stream gaging program. The idea would be that USGS and DES would put together a volunteer program with for individuals that are interested in stream gages. The level of accuracy and QA/QC will not be as accurate, but it will keep data coming. Most of expense is in maintaining the equipment and the gage site itself and not in reading the gages.

- ***Michele Tremblay – What is the cost for the various sites and to can other groups come up with money for these gages and write a check? This small amount of state money leverages an equal or larger amount of federal money to provide a high value to continuing this program.***

For cooperative program, hard cash is needed and a total annual operation cost per gage is \$12,000, with \$6,000 provided by USGS and \$6,000 provided by DES. However, the Cooperative Agreement is based on a set amount, and if the next NH Cooperative Agreement comes in at a reduced funding level, it is unlikely that future agreements will be able to recover those dollars. Also, finding funding for one gage will not solve the problem, as USGS staff will be lost if funding is not found for all the gages.

Money is required to continue cooperative program and we need a source of revenue. Our concern, in getting groups to donate money per year, is it doesn't solve issue for up coming years and on-going data is important. Used for multiple purposes to hydro

operators in how to operate systems and for instream flow, and the gages actually serve the purpose of making flood predictions, how to manage water quantity as well. Water quality relies on gages. We are in the process here of removing a tool for business and for conservation, etc. We rely on it more with instream flow, and this is a patchwork solution. This is a serious problem; we are eliminating an extremely valuable tool. Without additional funding the gages will be shut down on Sept. 30th.

- ***Ken Kimball – This is happening in September. There is no way this committee can address this today. It is a serious problem and it needs to be but on agenda for next time.***
- ***Deborah Hinman – LACs must be notified immediately of what gages will be eliminated.***
- ***Michele Tremblay - Challenge is to get money for more than one year. The need is to find funding at \$6,000 per gage by September 30, 2004.***

c. Overall possible impact on state river programs

1. Paul Currier– The USGS Cooperative Program is competitive nation wide. What we will be doing is reducing our share by \$60,000 that will reduce their share by \$60,000; once it is gone somewhere else in the country, they will get the money and it will no longer be available for NH.

DES does not have funding. DES can't put in an emergency request. 7% rescission on budgets for next year in budget requests 10% below 05, and benefits have gone up. 15% cut decrease in federal line items, and the agency as a whole will get a lot smaller, staff programs etc. lot smaller over the next year or so. This committee can assist in the next couple of weeks and whatever you can do, please get in touch with us. This is of interest to all of us. Hydros will have an interest. It is hard to make a water management plan work without good gage data.

Rep. Cooney – DES should bring the story to the SB162 committee as well. SB162 committee will come up with a longer term plan to find its own funding in future years. Rep. Cooney will let the RMAC know how they can be of help.

Brian Mrazik - Cooperative agreement in Vermont ended up having a 3 way split with environment, conservation and DOT. DOT has made contributions in the past. OEM gets FEMA money and this is FEMA money, and due to flood prediction information gages provide, this is relevant to FEMA funds.

2. Paul Currier– Steve Couture will be on an 18 month hiatus effective in October. Propose we obtain permission to have a vacant assistant planner position funded while Steve is on military leave. Steve will be deployed for one year to 18 months. We will request in funding for the assistant planner and rivers coordinator positions in the State 2006/2007 budget.

VII SB 87 Study Commission – Jamie Robertson, RMAC

a. Final Report

A brief summary was provided to the RMAC.

b. Coordinated Proposal

We came up with a final draft which was sent to everyone who served on SB87 and then to those on this committee. We came out with good ideas; coordinated proposal that almost got unanimous support. The coordinated proposal was drafted by Michele Tremblay and NEBRA. We moved away from a site specific program, left grandfathered

sites grandfathered, top dressing is allowed beyond 250 feet with a 125 setback on all tributaries (vs. the standard 75 feet); similar restrictions for application of bulk Class A biosolids. Non-bulk applications of Class A biosolids will be exempt from RSA 483 but will need to meet DES administrative rules.

This was a pretty good process that led to a compromise by all concerned. RMAC should support this coordinated proposal as it stands.

- ***The RMAC discussed and agreed that Jamie Robertson's support of the coordinated proposal was in line with the guidance provided by the RMAC. As such the RMAC will support legislation that reflects the language of the coordinated proposal.***

Ken Kimball - There is going to be legislation relative to this topic similar to coordinated proposal and then we can respond to other legislation as it comes forward. Our interest is to see this literally translated and that it is not changed, hoping that legislation is as we understood it. We will delay additional conversation until Legislative Service Requests have been released.

c. New England Biosolids and Residuals Association proposed buffer project

Ned Beecher - We don't want to direct this project, but work on it in cooperation with others. You are the first group we have talked to. We need conceptual direction, concepts we can take to other groups and work on. There is a grant deadline of late November.

Steve Couture will be working on this with what time he has. Important to craft it so that it benefits the RMPP. Steve will review and provide comments and guidance but this activity requires an RMAC person who will be active throughout. It was suggested that Michele Tremblay and Jamie Robertson work with NEBRA and Steve. They agreed to participate. The RMAC will discuss this further at their November 19th meeting.

VIII. Rivers Coordinator Update – Steve Couture, NHDES

b. 604(b) Funding to Regional Planning Commissions

In the past DES received money from EPA relevant to water quality planning (Section 604(b) of the Clean water Act) and passed through this money to the Regional Planning Commissions (RPCs) in set amounts to the Regional Planning Commissions and the Connecticut River Joint Commissions. In this draft proposal, DES would lump two years of funding to switch to a two year contract, make the funding competitive, require documentation of LAC support, and require coordination among RPCs/CRJC as appropriate. RPCs are concerned that losing the set base amount would reduce the ability of some LACs to operate. DES is seeking the opinion of the RMAC since this proposal is a change of policy relevant to the implementation of the RMPP.

- ***Ken Kimball – The RMAC needs to vote of consensus how to move forward.***
- ***Jamie Robertson motioned to accept DES' proposal. Wesley Stinson seconded. Discussion – Deb Hinman stated that some RPC nervous about a chunk out of their amount, some are willing and others need this base amount to operate. Vote was unanimous to accept the proposal.***

c. NHDES related legislation adopted in 2004 legislative session

HB1131 and SB431 are the two items the RMAC should be paying attention to.

d. Watershed Conference – November 13, 2004 @ NHDES in Concord

We are hopeful that RMAC members would attend; it hasn't happened in the past. Only members who have attended are also involved with LACs. The CT River Joint Commissions will also be presenting this year.

e. Wetlands in-lieu fee Steering Committee

NHDES has held three steering committee meetings. Major issues where consensus still needs be reached include: Formula used to determine amount of money to be required for impacts permitted, how to apply a watershed approach to the distribution of the funds, whether the funds should be administered by a state agency or non-profit, how projects will solicited, and what the decision making process will be to fund projects with in-lieu fee funds. Steve Couture encouraged RMAC to continue to stay involved and noted that the person assuming the Rivers Coordinator's role will not be able to be involved.

f. RMAC membership – term expirations

i. Wesley R. Stinson	Historical & Archeological Interests	June 15, 2004
ii Robert Beaurivage	Public Water Works	Sept. 28, 2004
iii Deborah Hinman	Conservation Commissions	Oct. 12, 2004
iv Allan Palmer	Business Interests	Sept 28, 2004.

Michele Tremblay noted that James Jones will be resigning from the Fish & Game Commission as he has moved out of Merrimack County. The Fish & Game Commission will need to submit a RMAC nomination for G&C approval.

IX. Other Business

The RMAC officially wished Steve Couture and his family the best and his speedy return back. You will be missed personally and professionally. Steve commented he would miss working with this committee.

X. Next Meeting Date – November 12, 2004 or November 19, 2004 (vote required)

Because the Rivers Conference set for the second week in November, the RMAC will schedule next meeting for the November 19, 2004 at 9:30 AM. Also set rough quarterly dates ahead for 2005, i.e.:

Jan. 14th, 2005 – at 9:30 am
April 1st, 2005 at 9:30 am

XI. Motion to Adjourn

- A motion was made by Michele Tremblay to adjourn, motion was seconded and all in favor of adjourning.

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Adjourned at 1:15 p.m.

RMAC Email Vote Addendum**1. Lamprey River Instream Flow Technical Review Committee: Business Interests**

The RMAC voted via email to recommend the following individuals to the represent Business Interests on the Technical Review Committee: James Hewitt, Ron Rayner, Colleen Dreher, and Brian Gallagher (Municipal Water Supplier). This email vote was authorized at the August 13, 2004 RMAC meeting. Votes were cast by Michele Tremblay, Ken Kimball, Bob Beaurivage, Wes Stinson, Jamie Robertson, Deborah Hinman, and Allan Palmer.